

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 1:22CR22
(Chief Judge KleeH)

KALEN DAEVON LEE,

Defendant.

**MEMORANDUM OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
[ECF NO. 77], AND DENYING MOTION TO SUPPRESS AS MOOT [ECF NO. 32]**

On March 23, 2023, Defendant Kalen Lee ("Defendant") moved to suppress physical evidence obtained from a search of a vehicle in which he was a passenger [ECF No. 32]. The Court referred his motion to the Honorable Michael J. Aloï, United States Magistrate Judge for initial review [ECF No. 33]. On June 7, 2023, Magistrate Judge Aloï convened a hearing on the motion. On July 6, 2023, Magistrate Judge Aloï filed a Report and Recommendation ("R&R"), recommending that the Court deny the motion as moot because the parties had entered into a plea agreement [ECF No. 77].

The R&R informed the parties of their right to file "specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection" within fourteen (14) days from the date of the filing of the R&R. ECF No. 77. It further warned them that the "[f]ailure to file written objections . . . shall constitute a waiver of de

USA v. LEE

1:22CR22

**MEMORANDUM OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
[ECF NO. 77], AND DENYING MOTION TO SUPPRESS AS MOOT [ECF NO. 32]**

novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Id. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Finding none upon careful review, the Court **ADOPTS** the R&R [ECF No. 77] and **DENIES AS MOOT** the Defendant's motion to suppress [ECF No. 32].

It is so **ORDERED**.

The Clerk **SHALL** transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: August 2, 2023



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA